

ORDINANCE 23-01

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA REZONING THOSE CERTAIN PROPERTIES OWNED BY THE CITY OF BELLE ISLE LOCATED AT 5903 RANDOLPH AVENUE, 906 WALTHAM AVENUE, 6300 HANSEL AVENUE, "SUB OF HARNEY HOMESTEAD C/53 LOT 9 (LESS W 224.28 FT OF LOT 9 & LESS E 228.47 FT OF SAID LOT 9 & LESS R/W ON N & S)", AND 6049 RANDOLPH AVENUE, ALSO KNOWN AS ORANGE COUNTY TAX PARCELS # 24-23-29-3400-00-073, 24-23-29-3400-00-092, 24-23-29-3400-00-094, 24-23-29-3400-00-095, AND 24-23-29-3400-00-114, FROM C-1, C-2, R-1A, AND R-2 ZONING DISTRICTS TO PLANNED DEVELOPMENT DISTRICT (PD); REZONING THAT CERTAIN PROPERTY OWNED BY CORNERSTONE CHARTER ACADEMY, INC. LOCATED AT 5929 HANSEL AVENUE, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL #24-23-29-8820-00-050, FROM C-1 ZONING DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PD); REZONING THAT CERTAIN PROPERTY OWNED BY PINE CASTLE METHODIST CHURCH, INC. LOCATED AT 942 FAIRLANE AVENUE, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL #24-23-29-3400-00-093, FROM C-1 ZONING DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PD); PROVIDING FOR CERTAIN PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES AND DEVELOPMENT STANDARDS AND REQUIREMENTS WITHIN THE PLANNED DEVELOPMENT; DESCRIBING THE PLANNED DEVELOPMENT INCLUDING ALL THE AFORESAID PROPERTIES AS THE CORNERSTONE CHARTER ACADEMY PD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Cornerstone Charter Academy, Inc. (hereinafter "Developer") with the consent of the City of Belle Isle and Pine Castle Methodist Church, Inc. has made application for the rezoning of (i) those certain properties owned by the City of Belle Isle located at 5903 Randolph Avenue, 906 Waltham Avenue, 6300 Hansel Avenue, and 6049 Randolph Avenue, also known as Orange County Tax Parcels # 24-23-29-3400-00-073, 24-23-29-3400-00-092, 24-23-29-3400-00-094, 24-23-29-3400-00-095, and 24-23-29-3400-00-114, from C-1, C-2, R-1A, and R-2 zoning districts to Planned Development District (PD); (ii) that certain property owned by Cornerstone Charter Academy, Inc. located at 5929 Hansel Avenue, also known as

1 Orange County Tax Parcel #24-23-29-8820-00-050, from C-1 zoning district to Planned
2 Development District (PD); and (iii) that certain property owned by Pine Castle Methodist
3 Church, Inc. located at 942 Fairlane Avenue, also known as Orange County Tax Parcel #24-
4 23-29-3400-00-093, from C-1 zoning district to Planned Development District (PD) and legally
5 described in the boundary survey attached hereto as **Exhibit "A"** (hereinafter "the Property");

6 and

7 **WHEREAS**, the Property has Low Density Residential and Commercial Future Land
8 Use Map designations; and

9 **WHEREAS**, the Planning and Zoning Board of the City of Belle Isle has reviewed the
10 Developer's request at a public hearing and has made a recommendation to the City Council;
11 and

12 **WHEREAS**, after public notice and due consideration of public comment, the City
13 Council of the City of Belle hereby finds and declares the adoption of this Ordinance and the
14 proposed development of the Property is consistent with the City of Belle Isle Comprehensive
15 Plan and the land development regulations set forth in the City of Belle Isle Code of
16 Ordinances; and

17 **WHEREAS**, based on competent substantial evidence in the record, the requested
18 rezoning and preliminary concept plan set forth in this Ordinance meets all applicable criteria
19 specified in the City of Belle Isle Comprehensive Plan and the land development regulations
20 set forth in the Code of Ordinances; and

21 **WHEREAS**, this Ordinance and the Whereas clauses herein shall constitute the written
22 findings of fact in support of issuing this rezoning development order pursuant to general law.
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1 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Belle Isle,
2 Florida as follows:

3 **SECTION 1.** The Property described above and in **Exhibit “A”** attached hereto is hereby
4 rezoned from Retail Commercial District (C-1), General Commercial District (C-2), Single-
5 Family Dwelling District (R-1A), and Multiple-Family Dwelling (R-2) zoning districts to Planned
6 Development (PD) subject to the following conditions and restrictions:

7 A. *Concept Plan.* The Cornerstone Charter Academy Preliminary Concept Plan attached
8 hereto as **Exhibit “B”** (“Concept Plan”) is hereby approved. All development of the
9 Property must conform to Concept Plan, including the development standards and
10 requirements identified on the Concept Plan. Should any conflict be found between this
11 Ordinance and the Concept Plan then the standards and conditions established by this
12 Ordinance shall control.

13 B. *Code Provisions.* Unless specifically noted elsewhere in the Concept Plan attached
14 hereto, or expressly provided for herein, all development on the Property must comply with
15 the general zoning requirements of the Planned Development zoning district. Such
16 requirements include any approval or amendment procedures pertaining to the Planned
17 Development zoning district. The Land Development Code of the Belle Isle Code of
18 Ordinances, as amended, shall govern the development of the Property with respect to
19 any matter not addressed by this Ordinance or its attached exhibits.

20 C. *Permitted Uses.* The permitted uses for the Property are as follows: (i) Elementary School,
21 (ii) Middle School, (iii) High School, (iv) Other Community or Educational Meeting Space
22 and Facilities, (v) Active and Passive Recreational and Sports Fields, Gymnasiums and
23 Other Facilities, (vi) Open Space and Parks, (vii) Stormwater Ponds and Facilities, (viii)
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1 Preservation of Historic Home (not for residential use) shown on the Concept Plan and
2 use thereof for meeting or educational purposes; and (viii) the customary accessory uses
3 and structures associated with the foregoing permitted uses. All uses that are not
4 permitted uses or special exception uses as set forth in this Ordinance are prohibited.

5 D. *Special Exception Uses.* The special exception uses for the Property are as follows: (i)
6 Municipal and Governmental Facilities; (ii) uses that are substantially similar and
7 compatible with the permitted uses of this Ordinance and that are not incompatible with
8 surrounding area as determined by the City Council; and (iii) the customary accessory
9 uses and structures associated with the foregoing special exception uses. If a special
10 exception use is approved based on a finding by the City Council that such meets the
11 applicable criteria set forth in the City Code, the approval may be conditioned and
12 restricted.

13 E. *Maximum Building Height.* The maximum height of structures shall be four stories and no
14 more than 57 feet; provided however, each building constructed shall be consistent with
15 the heights shown on the Concept Plan.

16 F. *Setbacks.* The setbacks shall be consistent with those depicted on the Concept Plan.

17 G. *Intensity.* There shall be a maximum of floor area ratio of 0.40; provided however, the
18 building square footage developed on the Property shall be consistent with the Concept
19 Plan.

20 H. *Maximum Impervious Surface.* The maximum impervious surface area shall be 0.45.

21 I. *Architectural Features.* The Property shall be developed consistent with the architectural
22 elevations and concepts set forth in the Concept Plans.
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1 J. *Vehicular Parking/Ingress/Egress.* The vehicular parking and ingress and egress to and
2 from the Property shall be developed and maintained consistent with the Concept Plans.

3 K. *Lighting.* Lighting on the Property shall be development consistent with the lighting plan
4 set forth in the Concept Plans.

5 L. *Landscaping, Landscaping Buffers, Recreation and Open Space.* The Property shall be
6 developed and maintained to preserve recreational area, open space, landscaping and
7 landscaping buffers as depicted on the Concept Plan.

8 M. *Planned Development Name.* The Planned Development adopted by this Ordinance
9 governing the development of the Property will be known as the “Cornerstone Charter
10 Academy PD.”

11 N. *Development Plan/PD Expiration.* Developer shall submit a development plan for
12 review and approval pursuant to the provisions of Chapter 54, Section 54-77 (e) (4) of
13 the Land Development Code of the Belle Isle Code of Ordinances. If Developer fails to
14 obtain final approval of said development plan within one year of the Effective Date of
15 this Ordinance, the entitlements under this Ordinance shall become null and void and
16 the zoning classification of the Property shall revert to its previous zoning designations
17 or other appropriate zoning designations as determined by the City Council in
18 accordance with the provisions of Section 54-77 (e) (4), Land Development Code of the
19 Belle Isle Code of Ordinances.
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21 O. *Violation.* A violation of this Ordinance or any of its Exhibits is considered a violation of
22 the Land Development Code of the Belle Isle Code of Ordinances and zoning of the
23 Property.
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1 **SECTION 2.** Zoning Map. The City Manager is hereby authorized and directed to amend the
2 Official City of Belle Isle Zoning Map consistent with the provisions of this Ordinance.

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4 **SECTION 3.** Severability. If any word, phrase, sentence, clause or other portion of this
5 Ordinance is determined to be invalid, void or unconstitutional, the remainder of this Ordinance
6 shall remain in effect.

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8 **SECTION 4.** Effective date. This Ordinance shall take effect immediately upon adoption.

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11 First Reading held this ____ day of _____, 2023

12 Second Reading held this ____ day of _____, 2023

	YES	NO	ABSENT
14 Ed Gold	_____	_____	_____
16 Anthony Carugno	_____	_____	_____
18 Karl Shuck	_____	_____	_____
20 Randy Holihan	_____	_____	_____
22 Beth Lowell	_____	_____	_____
24 Stanley Smith	_____	_____	_____

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Jim Partin _____

CITY OF BELLE ISLE

NICHOLAS FOURAKER, MAYOR

ATTEST: _____
Yolanda Quiceno, CMC-City Clerk

STATE OF FLORIDA

COUNTY OF ORANGE

I, **Yolanda Quiceno, CITY CLERK** of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 23-01 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____ 2023, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk